tion or be a batch bath. Otherwise, they must meet zero discharge.

**If a facility manufactures a pesticide active ingredient and formulates a product with the same pesticide active ingredient, is the laboratory exemption only applicable to the PFPR laboratory wastewater?**

Yes.

**If a facility only has safety showers and eye washes, is it within the scope of the regulation? If so, what are the implications of this rule?**

Determining whether the facility is within the scope of the regulation depends on whether they have a potential to discharge process wastewater. EPA's Pretreatment Bulletin #13 (see Appendix E) states that it is possible to discharge noncovered wastewater streams, in this case safety showers and eye washes, in such a way that there is no potential for the facility to also discharge process wastewater. However, if the noncovered wastewater sources are located in an area (e.g., a formulating area), where it is possible for the noncovered wastewater discharge to become contaminated with process wastewater, then the facility has a potential to discharge and is within the scope of the regulation. Documentation that would be required would depend on the facility's potential to discharge.

**Are wastewaters associated with the cleaning of coveralls covered by the rule?**

On-site laundry operations are not covered under the scope of this rule.

**Are water emissions from research and development pilot plant operations exempt from the rule?**

Yes. See 40 CFR 455.40(e) of the final rule.

**Is storm water completely exempt from regulation? What about contaminated storm water from diked areas?**

Storm water is exempt from coverage under the final PFPR rule (61 FR 57524), and therefore is not subject to the P2 practices and treatment requirements of that rule. However, a facility's storm water discharges *are* covered under Phases I or II of the General Storm Water Regulations (61 FR 57524).

**Assume a facility stores all rinsates in an outdoor storage tank. Are leaks and spills from that tank covered, since storm water is not covered?**

Leaks and spills are covered by this rule. All leaks and spills must be cleaned up in a timely fashion, as discussed in P2 alternative practice #2 (61 FR 57553). Leaks and spills in outdoor storage tanks should be cleaned up prior to storm events; the resulting storm water is not covered by the rule.

# Zero Discharge (see also Compliance—Potential to Discharge)

## General

**Does EPA have guidance on the PFPR rule available for zero discharge facilities? Are zero dischargers covered by the rule?**

The legal basis of this rule (i.e., the basis used to determine whether a facility is covered by the rule) is the *potential* to discharge process wastewater pollutants. A PFPR facility is a categorical industrial user (CIU) and is subject to the PFPR regulations of "no discharge of wastewater pollutants" (or the P2 alternative) when there is a potential to discharge any PFPR process wastewater covered by the PFPR regulation. If a facility has no potential to adversely affect a POTW's operation or violate any pretreatment standard or requirement due to accidental spills, operational problems, or other causes so that no regulated process wastewater can reach the POTW, then the facility is not covered under the PFPR rule and it is not legally required at the Federal level for these facilities to submit paperwork (i.e., BMR). In addition, if the only wastewater that a PFPR facility discharges (or has the potential to discharge) is not a regulated process wastewater under the PFPR effluent guidelines (e.g., sanitary wastewater, employee showers, laundry water), then the PFPR facility is not covered by the PFPR effluent guidelines and the facility is not a CIU for that discharge for purposes of 40 CFR Part 403 (General Pretreatment Standards).

Facilities that are meeting zero discharge, but do have the potential to discharge, are covered by the rule. However, they are currently in compliance with the zero discharge portion of the rule. These facilities must submit all paperwork required by the rule for facilities that choose to comply with zero discharge, including a BMR.

A PFPR facility that employs 100% recycle or claims no discharge of regulated PFPR process wastewater should be thoroughly evaluated through an on-site inspection to determine if there is any reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement due to accidental spills, operational problems, or other causes. If the control authority concludes that no regulated process wastewater can reach the POTW (i.e., there is no potential to discharge), and therefore the PFPR facility has no reasonable potential for adversely affecting the POTW's operation or for violating the PFPR effluent guidelines, then the PFPR effluent guidelines are not applicable to that PFPR facility.

However, EPA Pretreatment Bulletin #13 (see Appendix E) suggests that the control authority issue an individual control mechanism containing the following conditions:

- No discharge of process wastewater is permitted;
- Requirements to notify the POTW of any changes in operation resulting in a potential for discharge;
- Requirements to certify semiannually that no discharge has occurred;
- Notice that the POTW may inspect the facility as necessary to assess and assure compliance with the "no discharge" requirement; and
- Requirements to comply with Resource Conservation and Recovery Act (RCRA) and state hazardous waste regulations regarding the proper disposal of hazardous waste.

**Can a facility comply with zero discharge by showing pollutant levels below detection limits (for pesticide active ingredients and/or priority pollutants) in their effluent? If so, what kind of implications are there for enforcement (e.g., what happens if on occasion a facility discharges a pollutant above the detection limit)?**

A facility may comply with zero discharge by demonstrating that all pesticide active ingredients and priority pollutants are below their method detection limits in the facility's final effluent, and only if all pollutants have approved analytical methods. A detection of any of these pollutants means the facility is out of compliance with the rule.

**Why is zero discharge defined as "no discharge of process wastewater pollutants"?**

Section 301 of the Clean Water Act prohibits the discharge of "any pollutant" except if the discharge of such pollutant is in compliance with a permit. Because it is impossible to achieve an analytical detection of "zero" for a pollutant, facilities are allowed to show compliance with zero discharge if each process wastewater pollutant (e.g., the specific pesticide active ingredient) is not analytically detected in the effluent. Another way to show zero discharge is to show no flow of process wastewater from the facility.

**Does "no discharge of process wastewater pollutants" refer only to the pesticide active ingredients and priority pollutants?**

In the PFPR rule, "no discharge of process wastewater pollutants" refers only to pesticide active ingredients and priority pollutants associated with in-scope pesticide products from in-scope wastewater sources. However, there may also be local limitations on additional pollutants.

**Does a facility need to say they are implementing the P2 alternative if they totally reuse their wastewater, or if they do not generate wastewater because they use a solvent to rinse equipment?**

A facility that completely reuses all PFPR wastewater (including floor wash, leak and spill cleanup, etc.) meets the definition of zero discharge and does not need to claim they are meeting the requirements of the P2 alternative. However, even though the facility is meeting zero discharge, they still have the choice to say they are complying with the zero discharge requirement (which has minor paperwork requirements) or the P2 alternative (which has more comprehensive paperwork requirements, but may give the facility more flexibility if they decide to discharge in the future).

If the facility only generates spent solvent and generates *no* wastewater (including floor wash, leaks and spills, etc.), then the facility has no potential to discharge and is not covered by the PFPR rule (see Appendix E for a definition of "potential to discharge").

**If a company has two facilities 150 miles apart, can wash water from one facility be transported to the other facility and used as make-up water?**

Yes. The first facility could transfer their wastewater off site for reuse by their other facility, or for off-site disposal. However, the second facility (unless it is a centralized waste treatment facility or an incinerator) must either achieve zero discharge or incorporate the P2 alternative prior to discharge.

## Potential to Discharge

**Is a facility that currently has a potential to discharge PFPR regulated wastewater sources, but does not discharge, a new or existing source?**

The facility is an existing source.

**If a facility has safety showers and/or eye wash stations, does that constitute "potential to discharge"?**

No. "Potential to discharge" only applies to regulated (i.e., in-scope) wastewater sources. As discussed earlier, if the only wastewater that a PFPR facility discharges (or has the potential to discharge) is not a regulated process wastewater under the PFPR effluent guidelines (e.g., sanitary wastewater, employee showers, laundry water), then the PFPR facility is not covered by the PFPR effluent guidelines.

**Does a facility with permanently plugged drains in the PFPR process areas have a "potential to discharge"?**

No. There is no potential to discharge from the process area. If a facility has no potential to adversely affect a POTW's operation or violate any pretreatment standard or requirement due to accidental spills, operational problems, or other causes so that no regulated process wastewater can reach the POTW, then the facility is not covered under the PFPR rule.

**How can a facility that uses water have *no* potential to discharge if there is a connection on site to the POTW?**

The determination of "no potential" relates only to regulated process wastewater sources that are addressed in the PFPR rule. Therefore, a facility may have a connection to a POTW and may use water, but still have no "potential to discharge" if the control authority concludes that there are no regulated process wastewater sources that can reach the POTW and therefore, the industrial user has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.